

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DEBRA SIMON,

Plaintiff,

vs.

MACY’S EAST, INC. and
FEDERATED DEPARTMENT
STORES, INC. and MACY’S EAST,
INC. ENHANCED SEVERANCE
PLAN FOR TOP OF THE RANGE
HOURLY EMPLOYEES-GROUP 1,

Defendants.

SECOND STIPULATION FOR ENLARGEMENT OF TIME FOR DEFENDANTS TO FILE RESPONSIVE PLEADING

Plaintiff, Debra Simon, and Defendants, Macy’s East, Inc., Federated Department Stores, Inc., and Macy’s East, Inc. Enhanced Severance Plan for Top of the Range Hourly Employees – Group 1, (collectively “parties”), hereby stipulate to enlarge the time for the Defendants to file their answer or responsive pleading pursuant to Federal Rule of Civil Procedure 12 from May 4, 2005 till May 27, 2005.

As grounds for this extension, the parties state that they are engaged in efforts to reach a settlement in this matter and the additional time will afford them the opportunity to conclude those discussions before proceeding with the litigation.

Respectfully submitted,

DEBRA SIMON,
By her attorney,

MACY'S EAST, INC., et al.,
By their attorneys,

\s\ Martha M. Wishart
Martha M. Wishart (BBO# 556694)
McKenzie & Associates, P.C.
44 School Street, 11th Floor
Boston, MA 02108
617 723-0400

\s\ Tracy Thomas Boland
Robert P. Joy (BBO# 254820)
Tracy Thomas Boland (BBO# 638878)
Morgan, Brown & Joy, LLP
200 State Street
Boston, MA 02109
617 523-6666

Dated: April 28, 2005